

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ROGELIO MAY RUIZ,

Plaintiff,

v.

J RUIZ,

Defendant.

Case No. [21-cv-01749-JST](#)

**ORDER OF DISMISSAL**

Plaintiff filed the instant *pro se* complaint under 42 U.S.C. § 1983. ECF No. 1. On September 3, 2021, the Court reviewed the complaint and dismissed it with leave to amend because the complaint only proffered conclusory and contradictory allegations of due process violations. ECF No. 15. The Court informed Plaintiff that the failure to file a second amended complaint by October 1, 2021, would result in the dismissal of this action without further notice. *Id.* The deadline to file an amended complaint has passed and Plaintiff has not filed an amended complaint. Nor has Plaintiff communicated with the Court. Accordingly, for the reasons stated in the Court's September 3, 2021 order of dismissal with leave to amend, this action is DISMISSED. The dismissal is without prejudice to filing a motion to reopen accompanied by a proposed amended complaint that addresses the deficiencies identified in the Court's September 3, 2021 Order and explaining why Plaintiff failed to timely file an amended complaint. The Clerk shall close the file.

**IT IS SO ORDERED.**

Dated: October 20, 2021

  
JON S. TIGAR  
United States District Judge